



*Permanent Mission of Brazil to the United Nations Office
and other International Organizations in Geneva*

Ms. Surya Deva
Chair-Rapporteur of the Working Group on the issue of human rights and transnational corporations and other business enterprises

Ms. Urmila Bhoola
Special Rapporteur on contemporary forms of slavery, including its causes and consequences

Geneva, February 27, 2018

Dear Ms. Deva,
Dear Ms. Bhoola,

I refer to the joint communication OL BRA 9/2017, dated 30 October 2017, from the Working Group on the issue of human rights and transnational corporations and other business enterprises and the Special Rapporteur on contemporary forms of slavery, which requests information about the Ministerial Order n° 1.129 issued by the Ministry of Labor. On behalf of the Brazilian Government, I present the following comments:

The Ministerial Order n° 1.129/2017 was suspended by the Federal Supreme Court of Brazil in 24 October 2017, whose decision the Executive branch of the Brazilian Government fully respected. Following consultations with interested parties, a new Ministerial Order (N° 1.293) on the subject was issued on 28 December 2017, in line with Brazil's international obligations.

Brazil strongly condemns all forms of modern slavery and is fully committed to its eradication. The national Penal Code (article 149) punishes the offence of

“reducing someone to condition analogous to slavery” with 2 to 8 years imprisonment and a monetary fine. In 2014, the Brazilian Constitution was amended in order to allow for the expropriation of land where working conditions analogous to slavery are identified. In 2016, the federal union, states and municipalities adopted a national pact to eradicate modern day slavery. Over the course of the last decades, Brazil has developed innovative and effective policies and mechanisms to combat forced labor, of which the “Special Mobile Inspection Group” and the “Dirty List” are examples.

The fight against slave labor receives full administrative and financial support from the Ministry of Labor. In order to address the recent economic crisis, the Government was obliged to implement general fiscal consolidation measures. Whilst the Ministry of Labor was also affected by “budget cuts”, the labor inspections and monitoring operations of the Special Mobile Inspection Group continued to be conducted without significant changes, keeping the same level of activities as in the last 5 years by using resources redirected from other areas of the Ministry. In September 2017, additional R\$ 5 millions were made available for labor inspection activities in the whole country. In fact, in the last two years, there have been positive concrete achievements related to the number of workers rescued from forced labor, thus inhibiting criminal labor practices.

Brazil considers that the regional and international human rights systems are crucial instruments to support national human rights initiatives at the domestic level in the fight against modern day slavery and forced labor. It should be recalled that Brazil is a party to the main ILO conventions, including conventions 29 and 105, as well as the Slavery Convention and the American Convention on Human Rights. In fact, important human rights measures adopted by the Brazilian Government have been inspired by the work of these mechanisms.

Please accept the assurances of my highest consideration.



Maria Nazareth Farani Azevêdo

Ambassador

Permanent Mission of Brazil